

ERIC A. SEITZ
ATTORNEY AT LAW
A LAW CORPORATION

ERIC A. SEITZ 1412
LAWRENCE I. KAWASAKI 5820
DELLA A. BELATTI 7945
820 Mililani Street, Suite 714
Honolulu, Hawaii 96813
Telephone: (808) 533-7434
Facsimile: (808) 545-3608

Attorneys for Third-Party
Defendant Gary W. Rodrigues

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JEANNE K. ENDO,	)	CIVIL NO. 03-00563 LEK
)	
Plaintiff,	)	THIRD-PARTY DEFENDANT
	)	GARY W. RODRIGUES' FIFTH
vs.	)	MOTION IN LIMINE TO BAR ALL
	)	TESTIMONY OR EVIDENCE OF
UNITED PUBLIC WORKERS, AFSCME	)	DEFENDANT'S ALLEGED
LOCAL 646, AFL-CIO,	)	RELATIONSHIPS WITH WOMEN
	)	OTHER THAN PLAINTIFF;
Defendant,	)	MEMORANDUM IN SUPPORT;
	)	CERTIFICATE OF SERVICE
vs.)	
)	
GARY W. RODRIGUES,)	
	)	TRIAL: May 13, 2008
Third-Party)	
Defendant)	
)	

THIRD-PARTY DEFENDANT GARY RODRIGUES' FIFTH MOTION IN LIMINE
TO BAR ALL TESTIMONY OR EVIDENCE OF DEFENDANT'S ALLEGED
RELATIONSHIPS WITH WOMEN OTHER THAN PLAINTIFF

Comes now Third-Party Defendant GARY W. RODRIGUES
(hereinafter referred to as "Rodrigues"), by and through his
undersigned attorneys, and hereby moves in limine for an order

barring all testimony or evidence of his alleged relationships with women other than Plaintiff at trial in the above referenced case on the bases that such testimony or evidence:

1. Is hearsay and does not fall into any exception for hearsay;
2. Lacks any relevance to any of the issues in this case;
3. Will result in unfair prejudice to Rodrigues, confuse the issues in this case and/or mislead the jury;
4. Will result in undue delay, waste of time and/or the presentation of needless duplicative evidence and;
5. Is barred by Rule 404(b), Federal Rules of Evidence.

This motion is brought pursuant to Rule 7(b) of the Federal Rules of Civil Procedure, Rules 401, 402, 403, 404(b), 801, 802, and 803 of the Federal Rules of Evidence, Rule 16.9, Local Rules of Practice for the United States District Court for the District of Hawaii, and is based upon the memorandum attached hereto, the records and files in this action and such further evidence or argument which may be presented at a hearing on the motion.

DATED: Honolulu, Hawaii, April 22, 2008.

/s/ Eric A. Seitz
ERIC A. SEITZ
LAWRENCE I. KAWASAKI
DELLA A. BELATTI

Attorneys for Third-Party
Defendant Gary W. Rodrigues